



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/042,711	12/12/2001	Jennifer June Brown	ENZ-57 (CIP) (C)	4374

28171 7590 04/06/2007
ENZO BIOCHEM, INC.
527 MADISON AVENUE (9TH FLOOR)
NEW YORK, NY 10022

EXAMINER

FALK, ANNE MARIE

ART UNIT	PAPER NUMBER
----------	--------------

1632

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
30 DAYS	04/06/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Notice of Non-Compliant Amendment (37 CFR 1.121)

Application No.

10/042,711

Examiner

Anne-Marie Falk, Ph.D.

Applicant(s)

BROWN ET AL.

Art Unit

1632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The amendment document filed on 19 January 2007 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121 or 1.4. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings.
 - ☐ B. New paragraph(s) should not be underlined.
 - ☐ C. Other _____.
- ☐ 2. Abstract:
- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
 - ☐ B. Other _____.
- ☐ 3. Amendments to the drawings:
- ☐ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
 - ☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
 - ☐ C. Other _____.
- ☒ 4. Amendments to the claims:
- ☐ A. A complete listing of all of the claims is not present.
 - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
 - ☒ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
 - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
 - ☒ E. Other: See attached letter.
- ☐ 5. Other (e.g., the amendment is unsigned or not signed in accordance with 37 CFR 1.4):

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714.

TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:

1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted.
2. Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the correction, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a Quayle action. If any of above boxes 1. to 4. are checked, the correction required is only the **corrected section** of the non-compliant amendment in compliance with 37 CFR 1.121.

Extensions of time are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action.

Failure to timely respond to this notice will result in:

Abandonment of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action; or

Non-entry of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

Anne-Marie Falk

ANNE-MARIE FALK, PH.D.

PRIMARY EXAMINER

Legal Instruments Examiner (LIE), if applicable

Telephone No.

UNITED STATES DEPARTMENT OF COMMERCE
U.S. Patent and Trademark Office
COMMISSIONER OF PATENTS AND TRADEMARKS
P.O. Box 1450
Alexandria, Virginia 22313-1450

Serial Number	Filing Date	First Named Applicant	Attorney Docket No.
10/042,711	12/12/2001	Brown et al.	ENZ-57(CIP)(C)

EXAMINER	
Anne-Marie Falk, Ph.D.	
ART UNIT	PAPER NUMBER
1632	0307

Please find below a communication from the EXAMINER in charge of this application
Commissioner of Patents

The reply filed on January 19, 2007 is improper and not fully responsive to the prior Office Action because of the following omission(s) or matter(s):

The amendment filed 1/19/07 has not been entered because it is improper for the reasons detailed below.

The amendment format does not comply with the requirements of 37 CFR 1.121. All claims in the claims listing must be presented using the proper status identifier. However, the status identifiers for each claim are improper. Claims 34-74 were newly added in the amendment of 8/10/05. However, Claims 34-64 and 66-74 are now presented using the improper status identifier "new." Appropriate correction is required. See 37 CFR 1.121(c).

The amendment format does not comply with the requirements of 37 CFR 1.121 because the amended claims do not include markings to show the changes made. Amended claims must include appropriate markings to show the changes that have been made relative to the immediate prior version of the claims. Claim 65 is presented using the status identifier "amended", but there are no markings to show the changes that have been made relative to the immediate prior version of the claims. As a further issue, Claims 46-48 were amended in the amendment 6/21/06, but are now presented using the status identifier "new", with no markings to show the changes that have been made relative to the immediate prior version of the claims. The immediate prior version of the claims is the claim listing filed on 6/21/06. Appropriate correction is required. See 37 CFR 1.121(c).

The amendment format does not comply with the requirements of 37 CFR 1.121 because the claim listing does not commence on a separate sheet of the amendment document. 37 CFR 1.121(c)(1) provides that the claim listing shall commence on a separate sheet of the amendment document and the sheet(s) that contain the text of any part of the claims shall not contain any other part of the amendment. Appropriate correction is required.

As a further issue, the amendment does not respond to all issues noted in the Office Action of 12/21/05. At page 3 of the restriction requirement mailed 12/21/05, it was noted that Claims 46-48 were directed to "the method of Claim 44" though Claim 44 was directed to a composition, not a method. Claims 46-48 were included in Group V under the assumption that they were intended to be directed to the composition. However, a corrective amendment is required to address the issue. Claims 46-48 were

amended in the amendment of 6/21/06, but are now improperly presented in the amendment of 1/19/07. Appropriate correction is required.

Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a)**. In no case may an applicant extend the period for response beyond the six month statutory period. Direct the response to the undersigned.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anne-Marie Falk, Ph.D. whose telephone number is (571) 272-0728. The examiner can normally be reached Monday through Friday from 9:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Paras, can be reached on (571) 272-4517. The central official fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to (571) 272-0547.

Anne-Marie Falk, Ph.D.

Anne-Marie Falk
ANNE-MARIE FALK, PH.D
PRIMARY EXAMINER